IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Review Petition Stamp No.17294 of 2007
In
Civil Writ Petition No.4590 of 2006

Sameer Narayan Nirgude & anr. Petitioners
Vs.
Narayan Damodar Nirgude & anr. Respondents

Mr.Avinash Fatangare for petitioners.

Mr.Dushant Purekar for resp.no.2 - org. respondent.

CORAM: B.H.MARLAPALLE, J.

August 24, 2007.

P.C.

. Heard the learned counsel for the petitioners.

They pray for modification of the order dated 3/5/2007 passed by me in Civil Writ Petition No.4590 of 2006 and by the said order the petition came to be disposed off. The petitioners were not the party to the said writ petition which was filed by the father of the present petitioner no.1 and husband of the present petitioner no.2. In the said order it is clearly recorded that the present petitioners have filed Regular Civil Suit No.193 of 2002. The respondent has been directed to continue to deposit the monthly consideration amount as per the

compromise decree in the lower Court in RCS No.193 of 2002 and liberty has been granted to the present respondent no.2 to undertake tenantable repairs as may be necessary from time to time till the said suit is decided.

. The learned counsel for the review petitioner submitted that the respondent no.2 is not entitled to undertake the tenantable repairs and the order under review has, therefore, caused prejudice to the present petitioners.

. I do not agree with these submissions. If the tenant has been directed to deposit the monthly compensation in respect of suit premises, he is at liberty to undertake as may be necessary from time to time till the said suit is decided. In the suit filed by the petitioners, both the respondents have been impleaded as defendants and if it is the contention of the petitioners that the respondent no.2, under the guise of tenantable repairs is doing something beyond that, the petitioner's remedy to seek an injunction order in RCS No.193/2002 is not taken away by the said order. In any case in Writ Petition No.4590 of 2006 an order passed in Special

Darkahst No.28 of 2004 was challenged and the petitioners are not the parties in the said Darkhast.

. Hence there is no case made out to call the order dated 3/5/2007. Review petition is rejected summarily.

(B.H.MARL